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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,095	06/19/2001	Stephen Thomas Blocher	END920010013US1	2413
23550	7590	09/09/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			THAI, CANG G	
75 STATE STREET			ART UNIT	
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ALBANY, NY 12207			3629	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,095

Applicant(s)

BLOCHER ET AL.

Examiner

Cang G. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on 06/27/2005 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2004/0015375 (COGLIANDRO).

As for claim 1, COGLIANDRO discloses a computer implemented method for reviewing a business process to identify and address risks, comprising the step of:

providing a business process {See Fig. 1, Element 110};

identifying risks in the business process as control points {See Fig. 1, Element 120}; and

arranging information pertaining to the control points in a standard format using a template and storing the template in a computer database to provide subsequent access to the template. {See Fig. 10, Element 1021 and Column 9, Paragraph [0118], Lines 6-8, wherein this reads over “memory 1020 comprises database 1021 for storing data utilized by the processor and the user interface}.

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As for claim 2, COGLIANDRO discloses the method of claim 1, further comprising the steps of:

- identifying actions to address the risks {See Fig. 1, Element 140};
- arranging the identified actions in the template {See Fig. 1, Element 150}; and
- performing an audit using the template {See Fig. 1, Element 160}.

As for claim 3, COGLIANDRO discloses the method of claim 1, wherein the step of identifying risks comprises the step of implementing a set of tests to identify risks in the business process {See Fig. 2, Element "Likelihood Chart"}.

As for claim 4, COGLIANDRO discloses the method of claim 1, wherein the information comprises:

- a set of tests, wherein the set of tests identify risks in the business process {See Fig. 3, Element "Consequence Chart"}; and
- a set of actions, wherein the set of actions address the risks {See Fig. 3, Element "Technical Performance Factor"}.

As for claim 5, COGLIANDRO discloses the method of claim 4, wherein the information further comprises:

- a business process {See Fig. 5, Element 510};
- a test entity, wherein the test entity performs the set of tests {See Fig. 5, Element 520};
- an action entity, wherein the action entity performs the set of actions; and audit details {See Fig. 5, Element 530}.

As for claim 6, COGLIANDRO discloses the method of claim 5, wherein the information further comprises:

- a control point name {See Fig. 6, Element 610};
- control point revisions {See Fig. 6, Element 620};
- background information {See Fig. 6, Element 630}; and
- a control point frequency {See Fig. 6, Element 640}.

As for claim 7, COGLIANDRO discloses a computer implemented method for reviewing a business process to identify and address risks, comprising the steps of:

- providing a business process {See Fig. 6, Element 610};
- implementing a set of tests to identify risks in the business process as control points {See Fig. 6, Element 650};

identifying a set of actions to address the identified risks {See Fig. 6, Element 660}; and

arranging the set of tests and the identified actions in a standard format using a template, and storing the template in a computer database to provide subsequent access to the template. {See Fig. 10, Element 1021 and Column 9, Paragraph [0118], Lines 6-8, wherein this reads over "memory 1020 comprises database 1021 for storing data utilized by the processor and the user interface}.

As for claim 8, COGLIANDRO discloses the method of claim 7, wherein the set of tests and the set of actions comprise control point information {See Fig. 6, Element 680}.

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As for claim 9, COGLIANDRO discloses the method of claim 7, further comprising the step[[s]] of [[:]]

accessing the stored template to perform an audit {See Fig. 10, Element 1021}.

As for claim 10, which has the same limitations as in claims 7 & 9, respectively, therefore it is rejected for the similar reasons set forth in claims 7 & 9, respectively.

As for claim 11, which has the same limitation as in claims 8, therefore it is rejected for the similar reasons set forth in claim 8.

As for claim 12, COGLIANDRO disclose a computer implemented method for arranging business process control point information in a template, comprising the steps of:

Arranging a set of tests in a test field, wherein the set of tests identifies risks in a business process {See Fig. 6, element 670}; and

Arranging a set of actions in an action field, wherein the set of actions address the identified risks {See Fig. 6, Element 680}.

As for claim 13, COGLIANDRO discloses the method of claim 12, further comprising the steps of:

arranging a business process in a business process field {See Fig. 1, Element 110};

arranging a test entity in a test execution field, wherein the test entity performs the set of tests {See Fig. 1, Element 120};

arranging an action entity in an action execution field, wherein the action entity performs the set of actions {See Fig. 1, Element 130}; and

arranging audit details in an audit field {See Fig. 1, Element 140}.

As for claim 14, COGLIANDRO discloses the method of claim 13, further comprising:

arranging a control point name in a name field {See Fig. 5, Element 520};

arranging control point revisions in a revision field {See Fig. 5, Element 530};

arranging background information in an information field {See Fig. 5, Element 540}; and

arranging a control point frequency in an interval field {See Fig. 5, Element 580}.

As for claim 15, COGLIANDRO discloses the method of claim 12, further comprising the step[[s]] of [[:]]

performing an audit based on the stored template {See Fig. 10, Element 1018}.

As for claim 16, COGLIANDRO discloses a computer implemented method for arranging business process control point information in a template, comprising the steps of:

arranging a business process in a business process field {See Fig. 6, Element 620};

arranging a set of tests in a test field, wherein the set of tests identifies risks in the business process {See Fig. 6, Element 630}; and

arranging a set of actions in an action field, wherein the set of actions addresses the identified risks {See Fig. 6, Element 640}.

As for claim 17, COGLIANDRO discloses the method of claim 16, further comprising the steps of:

arranging a test entity in a test execution field, wherein the test entity performs the set of tests {See Fig. 6, Element 620};

arranging an action entity in an action execution field, wherein the action entity performs the set of actions {See Fig. 6, Element 650}; and

arranging audit details in an audit field {See Fig. 6, Element 690};

storing the template in a computer database to provide subsequent access to the template {See Fig. 10, Element 1021 and Column 9, Paragraph [0118], Lines 6-8, wherein this reads over "memory 1020 comprises database 1021 for storing data utilized by the processor and the user interface}; and

performing an audit based on the stored template {See Fig. 10, Element 1018}.

As for claim 18, COGLIANDRO discloses the method of claim 17, further comprising:

arranging a control point name in a name field {See Fig. 6, Element 660};

arranging control point revisions in a revision field {See Fig. 6, Element 670};

arranging background information in an information field {See Fig. 6, Element 680}; and

arranging a control point frequency in an interval field {See Fig. 6, Element 690}.

As for claim 19, COGLIANDRO discloses a template for arranging business process control point information, comprising:

a test field for arranging a set of tests, wherein the set of tests identifies risks in a business process {See Fig. 5, Element 540}; and

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an action field for arranging a set of actions, wherein the set of actions addresses the identified risks {See Fig. 5, Element 550}.

As for claim 20, COGLIANDRO discloses the template of claim 19, further comprising:

a business process field for arranging a business process {See Fig. 5, Element 530};

a test execution field for arranging a test entity, wherein the test entity performs the set of tests {See Fig. 5, Element 560};

an action execution field for arranging an action entity, wherein the action entity performs the set of actions {See Fig. 5, Element 570}; and

an audit field for arranging audit details {See Fig. 5, Element 580}.

As for claim 21, COGLIANDRO discloses the template of claim 20, further comprising:

a name field for arranging a control point name {See Fig. 6, Element 620};

a revision field for arranging control point revisions {See Fig. 6, Element 630};

an information field for arranging background information {See Fig. 6, Element 640}; and

an interval field for arranging a control point frequency {See Fig. 6, Element 650}.

As for claim 22, COGLIANDRO discloses the template of claim 19, wherein the risks comprise control points, and wherein the set of tests and the set of actions comprise control point information {See Fig. 9, Element "Three Dimensional Risk Chart With Metrics"}.

As for claim 23, which has the same limitations as in claim 16, therefore, it is rejected for the similar reasons set forth in claim 16.

As for claim 24, which has the same limitations as in claim 17, therefore, it is rejected for the similar reasons set forth in claim 17.

As for claim 25, which has the same limitations as in claim 18, therefore, it is rejected for the similar reasons set forth in claim 18.

As for claim 26, which has the same limitations as in claims 12 and 13, respectively, therefore it is rejected for the similar reasons set forth in claims 12 and 13, respectively.

As for claim 27, which has the same limitations as in claim 14, therefore, it is rejected for the similar reasons set forth in claim 14.

As for claim 28, COGLIANDRO discloses a program product stored on a recordable medium for arranging business process control point information in a template, comprising:

- an interface for receiving business process control point information {See Fig. 10, Element 1020};

- a template for arranging the received information, wherein the template comprises:

- a test field for arranging a set of tests, wherein the set of tests identifies risks in a business process {See Fig. 10, Element 1010}; and

- an action field for arranging a set of actions, wherein the set of actions addresses the identified risks {See Fig. 10, Element 1011}.

As for claim 29, COGLIANDRO discloses the program product of claim 28, wherein the template further comprises:

a business process field for arranging a business process {See Fig. 1, Element 110};

a test execution field for arranging a test entity, wherein the test entity performs the set of tests {See Fig. 1, Element 130};

an action execution field for arranging action entities, wherein the action entity performs the set of actions {See Fig. 1, Element 140}; and

an audit field for arranging audit details {See Fig. 1, Element 160}.

As for claim 30, COGLIANDRO discloses the program product of claim 29, wherein the template further comprises:

a name field for arranging a control point name {See Fig. 6, Element 660};

a revision field for arranging control point revisions {See Fig. 6, Element 670};

an information field for arranging background information {See Fig. 6, Element 680}; and

an interval field for arranging a control point frequency {See Fig. 6, Element 690}.

Response to Arguments

3. Applicant's arguments filed 06/27/2005 have been fully considered but they are not persuasive.

CONGLIANDRO teaches arranging information pertaining to the control points in a standard format using the template in Fig. 6, Element 640, and storing the template in

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a computer database to provide subsequent access to the template in Fig. 10, Element 1021.

CONGLIANDRO teaches the storing template in a computer database in Fig. 10, Element 1021.

CONGLIANDRO teaches the implemented to address the risk once the control point/risk is identified in Fig. 5, Element 570.

CONGLIANDRO teaches the action execution field in Fig. 6, Element 690 by creating consequence factor definitions from failure definitions.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

No claims are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT
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